

TCEQ DOCKET NO. 2009-1573-DIS  
TCEQ INTERNAL CONTROL NO. 11032008-D01

APPLICATION FOR CREATION	§	BEFORE THE
OF COLLIN COUNTY WATER	§	
CONTROL AND IMPROVEMENT	§	TEXAS COMMISSION ON
DISTRICT NO. 3	§	
	§	ENVIRONMENTAL QUALITY

**APPLICANT’S RESPONSE TO HEARING REQUEST**

TO THE HONORABLE COMMISSIONERS:

COMES NOW, Lavon 593 Land Investment Partners, L.P. (“Applicant”), and files this response to the hearing request made by the City of Wylie (“Wylie”) regarding the application to create Collin County Water Control and Improvement District No. 3. For the reasons set out below, Applicant respectfully urges the Texas Commission on Environmental Quality (the “Commission” or “TCEQ”) to deny Wylie’s hearing request.

**I. BACKGROUND**

Applicant filed the application to create Collin County Water Control and Improvement District No. 3 (the “District”) on November 3, 2008. The application was declared administratively complete November 11, 2008. The proposed District contains approximately 592.744 acres and is located in Collin County, approximately eight miles east of the intersection of F.M. 2514 and U.S. Highway 75. Based on published maps, the area within the District is partially in the extraterritorial jurisdictions of the Town of St. Paul, the City of Lucas, and Wylie. As to each of these municipalities, Applicant submitted documentation to the Commission demonstrating compliance with the consent provisions of Texas Local Government Code, Section 42.042.

As required by Texas Water Code, Section 49.011(b), and Section 293.12(b)(1) of the TCEQ rules, 30 Texas Administrative Code, the Notice of District Petition was published in the *McKinney-Courier Gazette* on June 28, 2009 and July 5, 2009. At the same time the TCEQ Chief Clerk transmitted the Notice and an explanatory cover letter to Applicant for publication, a copy was also sent to the persons on the Chief Clerk's mailing list, including Wylie. See Attachment 1. The Notice was also posted on the bulletin board used for posting legal notices at the Collin County Courthouse on June 30, 2009. See 30 Tex. Admin. Code § 293.12(b)(2). The City of Lucas filed a timely hearing request, which it subsequently withdrew. Wylie filed a hearing request with the Commission on August 10, 2009. No other hearing requests were filed.

## **II. WYLIE'S HEARING REQUEST WAS UNTIMELY**

Wylie's hearing request was filed well past the deadline and therefore must be denied. This application is subject to Chapter 55, Subchapter G, of the TCEQ rules. Under Sections 55.251(b) and 55.255(b)(2)(B), a hearing request must have been timely filed in order to be granted. The deadline for filing a hearing request regarding a district creation application is thirty days after the second newspaper publication of the notice. Tex. Water Code § 49.011(c), 30 Tex. Admin. Code § 293.12(c). As noted above, the second publication of the notice in this case occurred on July 5, 2009, making the deadline to file a hearing request August 4, 2009.

As shown by the TCEQ Chief Clerk's date stamp, Wylie's hearing request was not received until August 10, 2009, nearly a week after the deadline. Wylie's request was clearly untimely and must be denied.

## **III. WYLIE HAS NOT SHOWN THAT IT IS AN AFFECTED PERSON**

Even if Wylie's hearing request had been timely filed, Wylie has not shown that it is an affected person with standing to challenge the district creation application. Under Section

55.255(b)(2) of the TCEQ rules, a hearing request made by an “affected person” may be granted if it: (1) complies with Section 55.251, including “identify[ing] the person’s personal justiciable interest affected by the application,” (2) is timely filed, and (3) “is pursuant to a right to hearing authorized by law.” As discussed above, Wylie’s request was not timely filed. In addition, Wylie is not an affected person. An “affected person” is defined as “one who has a *personal* justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application.” 30 Tex. Admin. Code § 55.256(a) (emphasis added). A local government entity *may* be considered an affected person, but does not automatically have standing with respect to a particular application. *Id.* § 55.256(b).

Because the District is proposed to have water, wastewater, and drainage powers, the Commission has jurisdiction to create the District under Section 51.333 of the Water Code. The criteria the Commission must consider in determining whether to grant an application for creation of a water control and improvement district are whether:

- (1) organization of the district as requested is feasible and practicable;
- (2) the land to be included and the residents of the proposed district will be benefited by the creation of the district;
- (3) there is a public necessity or need for the district; and
- (4) the creation of the district would further the public welfare.

Tex. Water Code § 51.021(a).

In its hearing request, Wylie first asserts that it is affected because a portion of the proposed District is within Wylie’s extraterritorial jurisdiction, and “the City does not consent to its creation.” Applicant does not dispute that based on published maps, a portion of the District is within Wylie’s extraterritorial jurisdiction. Applicant petitioned Wylie for its consent to the

creation of the District under Texas Local Government Code, Section 42.042(a). *See* Attachment 2. Wylie never responded to the petition. Accordingly, after ninety days, Applicant petitioned Wylie for water and sewer services as required by Local Government Code, Section 42.042(b). *See* Attachment 3. Wylie never responded to that petition either. Due to Wylie's inaction, as of 120 days following the petition for water and sewer services, Wylie was deemed under Section 42.042(c) to have given its consent to the creation of the District, and Applicant was free to pursue the creation application.

Wylie next states that it "maintains a water and sewer utility" and claims that the "Utility has the reasonable ability to serve the property within the proposed District." First, in meetings with Applicant prior to the filing of the creation application, Wylie advised Applicant's representatives that Wylie had no desire to provide water or sewer service to the property within the District because of its location relative to the City of Wylie proper. Furthermore, as discussed above, Applicant made a written request to Wylie for water and sewer service, and Wylie never responded. Applicant also recently requested a meeting with Wylie to discuss the issues in Wylie's hearing request, but Wylie was again nonresponsive. If Wylie were actually interested in providing water and sewer service to all or a portion of the property in the District, it stands to reason that Wylie would have at least engaged in negotiations with Applicant.

In addition, retail water and sewer service to the property in the District will be provided by Wylie Northeast Special Utility District ("Wylie Northeast SUD") using facilities financed by Collin County Water Control and Improvement District No. 3 for the benefit of its residents. As stated in the application, Wylie Northeast SUD currently holds the water Certificate of Convenience and Necessity ("CCN") over most of the area within the proposed District. As the

CCN holder, Wylie Northeast SUD has the exclusive right under Water Code Section 13.242 to provide retail service in its certificated area.

Wylie Northeast SUD has applied to the Commission for an amendment to its water CCN to include the remainder of the area within the District (Application No. 36296-C) and has also applied for a sewer CCN (Application 36297-C) that includes all of the area within the District. These applications have received preliminary approval from the Executive Director and are awaiting final mapping. As required by Section 291.106(b) of the TCEQ rules, Wylie received individual mailed notice of these CCN applications. *See Attachment 4.* Wylie did not protest or even comment on the CCN applications, indicating that it does not oppose Wylie Northeast SUD having the exclusive right to provide retail water and sewer service to the area in question.

Wylie next asserts that “[t]he proposed district may construct a wastewater treatment facility adjacent to the lake” and that a plant operated by the North Texas Municipal Water District could provide wastewater treatment. Even if those assertions were true, Wylie does not explain how any interest of *Wylie’s* would be affected. In any event, retail wastewater treatment services will be provided by Wylie Northeast SUD as discussed above, furthering the interests of regionalization.

Wylie next states that it does not “believe that an adequate investigation and evaluation of the availability of comparable services from other providers or systems . . . has been conducted.” Again, Wylie does not identify any interest of its own that would be affected. Applicant did conduct a thorough investigation of the availability of services from other providers, including Wylie as discussed above, and concluded that creation of the District and a cooperative effort with Wylie Northeast SUD would best serve the land and residents in the District. Applicant would note that no “other providers or systems” have opposed the creation application.

Wylie next expresses concern "that the proposed district will have a negative impact on water quality." Wylie does not identify any specific issues with regard to water quality nor any specific interest of Wylie's that might be affected. As noted above, retail wastewater treatment services to the area within the District will be provided by Wylie Northeast SUD and will comply with all applicable water quality standards.

Finally, Wylie notes its general interest in ensuring that the proposed District meets the statutory criteria for creation. Once again, Wylie does not identify any specific issues or explain how it is affected.

WHEREFORE, PREMISES CONSIDERED, Lavon 593 Land Investment Partners, L.P., hereby respectfully urges the Commission to deny the City of Wylie's hearing request and grant the application to create Collin County Water Control and Improvement District No. 3.

Respectfully submitted,

COATS, ROSE, YALE, RYMAN & LEE, P.C.

By: Angela M. Stepherson  
Angela M. Stepherson  
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Telephone: (972) 982-8450  
Telefax: (972) 982-8451

ATTORNEYS FOR LAVON 593 LAND  
INVESTMENT PARTNERS, L.P.

## **CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing on this 28<sup>th</sup> day of December, 2009 on the following:

Shana Horton, Staff Attorney  
TCEQ Environmental Law Division (MC 173)  
12100 Park 35 Circle, Building A  
Austin, Texas 78753

VIA OVERNIGHT DELIVERY

Ruben Soto  
TCEQ Water Supply Division  
Utilities & Districts Section (MC 152)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

VIA OVERNIGHT DELIVERY

Bridget Bohac, Director  
TCEQ Office of Public Assistance (MC 108)  
P.O. Box 13087  
Austin, Texas 78711-3087

VIA FIRST CLASS MAIL

Blas J. Coy, Jr.  
TCEQ Public Interest Counsel (MC 103)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

VIA OVERNIGHT DELIVERY

Kyle Lucas  
TCEQ Alternative Dispute Resolution (MC 222)  
P.O. Box 13087  
Austin, Texas 78711-3087

VIA FIRST CLASS MAIL

LaDonna Castañuela  
TCEQ Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

VIA ELECTRONIC FILING AND  
OVERNIGHT DELIVERY

Arturo D. Rodriguez, Jr.  
Russell & Rodriguez, L.L.P.  
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Georgetown, Texas 78628

VIA OVERNIGHT DELIVERY

Joe Gorfida, Jr.  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

VIA FIRST CLASS MAIL

  
Angela M. Stepherson



Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



**ATTACHMENT 1**

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 18, 2009

Ms. Angela Stepherson  
Coats, Rose Yale, Ryman and Lee, P.C.  
3 Greenway Plaza, Suite 2000  
Houston, Texas 77002-0307

Re: Publication of Notice of District Petition regarding creation of  
Collin County Water Control and Improvement District No. 3  
TCEQ Internal Control No. 11032008-D01

Dear Ms. Stepherson:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Ruben Soto in the District Administration Office at 512/239-4571 if the notice is found to be in error.

This full notice, including Exhibits A and B, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.

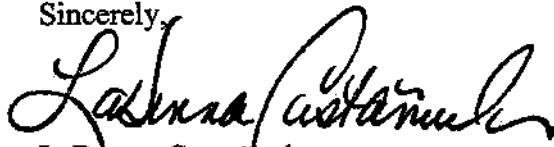
In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibits A and B "...on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located." This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.

The Chief Clerk's Office should receive all affidavits no later than 14 days after the second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Irma Salazar in this office at 512/239-1328.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela". The signature is fluid and cursive, with the first name "LaDonna" being more prominent than the last name "Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/is  
Enclosures

cc: To all on attached mailing list.

## MAILING LIST

Collin County Water Control and Improvement District No. 3  
TCEQ Internal Control No. 11032008-D01

Angela M. Stepherson  
Coats, Rose, Yale, Ryman and Lee, P.C.  
3 Greenway Plaza, Suite 2000  
Houston, Texas 77002-0307

Nathan Thompson, P.E  
Jacobs  
7950 Elmbrook Drive  
Dallas, Texas 75247-4925

Tony Walker  
TCEQ Region 4  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

Kathy Wingo, City Secretary  
City of Lucas  
151 Country Club Road  
Allen, Texas 75002-7663

Bruce Dunn, City Secretary  
Town of Saint Paul  
2505 Butscher's Block  
Saint Paul, Texas 75098-8046

Carol Ehrlich  
City of Wylie  
2000 State Highway 78 North  
Wylie, Texas 75098

Stacey Kemp, County Clerk  
Collin County  
2300 Bloomdale Road - Suite 2104  
McKinney, Texas 75071

Monte Mercer, Deputy Executive Director  
North Central Texas Council of Governments  
616 Six Flags Drive  
Arlington, Texas 76011

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173  
Ruben Soto, Utilities & Districts Section, Water Supply Division, MC-152  
Alex A. (Skip) Ferris, Utilities & Districts Section, Water Supply Division, MC-152  
Komal Patel, Utilities & Districts Section, Water Supply Division, MC-153  
Blas Coy, Office of the Public Interest Counsel, MC-103

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION

**TCEQ Internal Control No. 11032008-D01**

**PETITION.** A petition from Lavon 593 Land Investment Partners, L.P. (Petitioner) for creation of Collin County Water Control and Improvement District No. 3 (District) was filed with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 51 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states the following: (1) the Petitioners are the holders of title to a majority in value of the land to be included in the proposed District; (2) there is one lien holder – The First National Bank of Jacksboro – on the land to be included in the proposed District; (3) the proposed District will contain approximately 593 acres located within Collin County, Texas; and (4) portions of the proposed District are within the extraterritorial jurisdiction of the City of Lucas and the Town of Saint Paul, Texas, and no portion of land within the proposed District is within the extraterritorial jurisdiction or corporate limits of any other city, town or village in Texas. Additionally, other materials submitted states that a portion of the proposed District is located within the extraterritorial jurisdiction of The City of Wylie.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "A" and is depicted in the vicinity map designated as Exhibit "B", both of which are attached to this document.

The petition further states that the proposed District will be created for the purpose to: purchase, construct, acquire, provide, operate, maintain, repair, improve or extend land, facilities, systems, plants and enterprises necessary to; (1) provide for the control, storage, preservation, and distribution of waters and floodwaters for irrigation, power and other useful purposes; (2) reclamation and irrigation of land; (3) reclamation, drainage, conservation and development of forests, water and hydroelectric power; (4) navigation of coastal inland water; (5) control, abatement, and change of shortage or harmful excess water; (6) protection, preservation and restoration of sanitary condition of water; (7) preservation and conservation of natural resources; (8) supply water for municipal and domestic use; and (9) exercise any other power consistent with the purposes for which the District is created as more particularly described in an engineer's report filed simultaneously with the filing of the petition. According to the petition, the Petitioners have conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$45,700,000.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team at 1-512-239-4691. Si desea información en Español, puede llamar al 512-239-0200. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Issued: June 18, 2009



Exhibit "B"

METES AND BOUNDS DESCRIPTION OF THE "LAND"

LEGAL DESCRIPTION

592.744 ACRES

BEING A 592.744 ACRE TRACT OF LAND SITUATED IN THE LEROY FARMER SURVEY, ABSTRACT NO. 334, THE MARK MORRIS SURVEY, ABSTRACT NO. 561, THE ORPHA SHELBY SURVEY, ABSTRACT NO. 799, AND THE JOSIAH TURNHAM SURVEY, ABSTRACT NO. 919, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 592.9988 ACRE TRACT OF LAND, DESCRIBED IN TRUSTEES DEED TO W.W. CARUTH, JR. AS RECORDED IN VOLUME 2684, PAGE 944, LAND RECORDS, COLLIN COUNTY, TEXAS, AS AFFECTED BY LAST WILL AND TESTAMENT OF W.W. CARUTH, JR. AS RECORDED IN COUNTY CLERKS FILE NO. 92-0054539 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, SAID 592.744 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD FOUND IN THE SOUTH LINE OF A 164.68 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CONSOLIDATED PARTNERSHIP, LTD. AS RECORDED IN VOLUME 3433, PAGE 874, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 164.68 ACRE TRACT, A DISTANCE OF 3004.80 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-26" FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO THE UNITED STATES OF AMERICA AS RECORDED IN VOLUME 736, PAGE 833, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINES OF SAID UNITED STATES OF AMERICA TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 756.97 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-25" FOUND FOR CORNER;

NORTH 85 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 833.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

SOUTH 00 DEGREES 26 MINUTES 51 SECONDS WEST, A DISTANCE OF 549.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-23" FOUND FOR CORNER;

SOUTH 69 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 1077.15 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-22" FOUND FOR CORNER;

SOUTH 50 DEGREES 39 MINUTES 17 SECONDS WEST, A DISTANCE OF 1405.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-21" FOUND FOR CORNER;

SOUTH 08 DEGREES 18 MINUTES 33 SECONDS EAST, A DISTANCE OF 73.65 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-20" FOUND FOR CORNER;

NORTH 88 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 2464.68 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-19" FOUND FOR CORNER;

SOUTH 28 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 2603.00 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-18" FOUND FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 573.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

NORTH 49 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 1752.84 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-16" FOUND FOR CORNER;

NORTH 61 DEGREES 25 MINUTES 18 SECONDS EAST, A DISTANCE OF 1093.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-15" FOUND FOR CORNER;

SOUTH 33 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 1419.53 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-14" FOUND FOR CORNER;

SOUTH 65 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 651.14 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-13" FOUND FOR CORNER;

SOUTH 43 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 470.76 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-12" FOUND FOR CORNER;



NORTH 76 DEGREES 43 MINUTES 10 SECONDS WEST, A DISTANCE OF 1056.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-11" FOUND FOR CORNER;

SOUTH 29 DEGREES 18 MINUTES 01 SECOND WEST, A DISTANCE OF 903.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-10" FOUND FOR CORNER;

NORTH 78 DEGREES 51 MINUTES 09 SECONDS EAST, A DISTANCE OF 757.78 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-9" FOUND FOR CORNER;

SOUTH 06 DEGREES 19 MINUTES 32 SECONDS WEST, A DISTANCE OF 907.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-8" FOUND FOR CORNER;

SOUTH 75 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 63.77 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-7" FOUND FOR CORNER;

NORTH 64 DEGREES 41 MINUTES 43 SECONDS EAST, A DISTANCE OF 806.05 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-6" FOUND FOR CORNER;

SOUTH 33 DEGREES 12 MINUTES 35 SECONDS EAST, A DISTANCE OF 297.17 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-5" FOUND FOR CORNER;

NORTH 83 DEGREES 36 MINUTES 01 SECOND EAST, A DISTANCE OF 255.23 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-4" FOUND FOR CORNER;

NORTH 41 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 367.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-3" FOUND FOR CORNER;

NORTH 76 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1317.38 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-2" FOUND FOR CORNER;

SOUTH 10 DEGREES 01 MINUTE 29 SECONDS WEST, A DISTANCE OF 600.79 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-1" FOUND FOR CORNER;

SOUTH 65 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 1718.75 FEET TO A CORPS OF ENGINEERS MONUMENT FOUND AT THE

MOST NORTHERLY NORTHEAST CORNER OF A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT B IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT B AND A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT A IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 649.87 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 17 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1309.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, A DISTANCE OF 299.40 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 285.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF ST. PAUL ROAD;

THENCE, SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ST. PAUL ROAD, A DISTANCE OF 1790.28 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 51 MINUTES 52 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 2514 (PARKER ROAD);

THENCE, SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514, A DISTANCE OF 1571.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET AT THE BEGINNING OF A CORNER-CLIP BETWEEN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514 AND THE EAST RIGHT-OF-WAY LINE OF AZTEC TRAIL;

THENCE, NORTH 44 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID CORNER-CLIP, A DISTANCE OF 41.22 FEET TO A WOODEN MONUMENT FOUND ON THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL;

THENCE, NORTH 01 DEGREE 30 MINUTES 56 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL, A DISTANCE OF 1822.87 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORMAN R. MORROW AND WIFE, LUZIA M. MORROW AS RECORDED IN VOLUME 1531, PAGE 279, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 09 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF SAID 10.00 ACRE TRACT AND THE EAST LINE OF A 41.391 ACRE TRACT OF LAND DESCRIBED IN A DEED TO EDWARD H. HOBBS AS RECORDED IN VOLUME 4191, PAGE 715, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1886.05 FEET TO A 1" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 41.391 ACRE TRACT;

THENCE, SOUTH 89 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID 41.391 ACRE TRACT OF LAND, A DISTANCE OF 1111.20 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 01 DEGREE 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 4428.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 592.744 ACRES OF LAND, MORE OR LESS.



October 1, 2008

Carol Ehrlich, TRMC  
City Secretary  
City of Wylie  
2000 S.H. 78 North  
Wylie, TX 75098

Re: Collin County Water Control and Improvement District No. 3  
Request for Consent to District Creation and Plan for Development

Dear Carol:

Pursuant to Section 42.042 of the Texas Local Government Code, enclosed please find our Request for Consent to the Creation of a water control and improvement district (the "District"). Included with the Request is a Plan for Development illustrating the manner in which we plan to use the property within the District.

The District shall contain an area of approximately 592.744 acres of land, more or less, lying partly within the extraterritorial jurisdiction ("ETJ") of the City of Wylie, partly within the ETJ of the City of Lucas, and partly within the ETJ of the Town of St. Paul, but not within the corporate limits of any city, town, or village. There is a necessity for the District because the property is located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, is urban in nature, and is not supplied with adequate water, sanitary sewer, or drainage facilities. The health and welfare of the future inhabitants of the District require the acquisition and installation of adequate waterworks, storm and sanitary sewer systems.

The purchase, construction, extension, improvement, maintenance, and operation of such waterworks, storm and sanitary sewer collection, and disposal systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community.

5950 Berkshire Lane, Suite 1200  
Dallas, Texas 75225  
Telephone 214/373-1892  
Fax 214/368-7985

www.hanoverproperty.com

DALLAS-1125505 v1 1286224-00013

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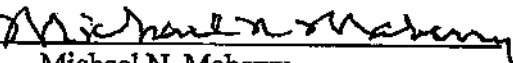
We appreciate your assistance in processing the Request and look forward to working with you throughout the development process. Should you have any questions, please do not hesitate to contact me.<sup>1</sup>

Sincerely,

Lavon 593 Land Investment Partners, L.P.  
a Texas limited partnership

By: Lavon 593 GP Partners, Ltd.  
a Texas limited partnership

By: Hanover Services Group, Inc.  
a Texas corporation  
its general partner

By:   
Michael N. Maberry  
President

Enclosures

---

<sup>1</sup> This letter and its enclosures collectively constitute a formal application for consent related to the provision of service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, and/or consent required by law that must be obtained to perform an action or initiate a project for which the consent is sought, as defined in Chapter 245 of the Texas Local Government Code, and should thus be regarded as an application for a "permit" within the meaning of that chapter. This letter and its enclosures also collectively constitute a completed application for the initial authorization to use land in the manner described in the enclosed Plan for Development for purposes of Sections 43.002(a) and 245.002(a)(2) of that Code.

**REQUEST FOR CONSENT TO THE CREATION  
OF A WATER CONTROL AND IMPROVEMENT DISTRICT**

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WYLIE,  
TEXAS:**

The undersigned owner ("Owner"), acting pursuant to subsections 42.042(a) and (b), Texas Local Government Code, as amended, respectfully submits this request to this Honorable City Council for consent to the creation of a water control and improvement district, and for cause Owner would respectfully show the following:

**I.**

The District shall be organized under the provisions of Article XVI, Section 59 and the applicable provisions of Chapters 49 and 51 of the Texas Water Code, as amended.

**II.**

The proposed name of the district is "Collin County Water Control and Improvement District No. 3" (the "District"). The District shall contain an area of approximately 592.744 acres of land, more or less, lying within Collin County, Texas, partly within the extraterritorial jurisdiction ("ETJ") of the City of Lucas, Texas, partly within the ETJ of the Town of Saint Paul, Texas, partly within the ETJ of the City of Wylie, Texas, and not within the corporate limits or ETJ of any other city, town, or village. The boundaries of the proposed District are described by metes and bounds on Exhibit A (the "Property").

**III.**

The undersigned Owner is the owner of a majority of the Property in the District as shown by the county tax rolls and conveyances of record since the date of preparation of the county tax rolls.

**IV.**

The purpose of the District shall be to provide for: (i) the control, storage, preservation and distribution of its water and floodwater and the water of its rivers and streams for irrigation, power, and all other useful purposes; (ii) the reclamation and irrigation of its arid, semiarid, and other land which needs irrigation; (iii) the reclamation, drainage, conservation, and development of its forests, water, and hydroelectric power; (iv) the navigation of its coastal and inland water; (v) the control, abatement, and change of any shortage or harmful excess of water; (vi) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and (vii) the preservation and conservation of all natural resources of the state.

## V.

The general nature of the work to be done by and within the District (collectively, the "Project") is the: (i) construction, maintenance, and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance, and operation of all improvements, facilities, plants, equipment and appliances incident to or helpful or necessary to the collection, transportation, processing, disposal, and control of all domestic, industrial or communal wastes; (iii) gathering, conducting, diverting and controlling local storm water or other local harmful excesses of water; and (iv) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized. The District may also finance one or more facilities designed or utilized to perform fire-fighting services and may purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities, and equipment for the purpose of providing parks and recreational facilities to the extent authorized and permitted under state law.

## VI.

There is a necessity for the District because the Property is located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, is urban in nature, and is not supplied with adequate water, sanitary sewer, or drainage facilities. The health and welfare of the future inhabitants of the District require the acquisition and installation of adequate waterworks, storm and sanitary sewer systems.

The purchase, construction, extension, improvement, maintenance, and operation of such waterworks, storm and sanitary sewer collection, and disposal systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community.

## VII.

The Project is feasible and practicable. There is an ample supply of water available, and the terrain of the area to be included in the proposed District is such that a waterworks, sanitary sewer, and storm sewer system can be constructed at a reasonable cost.

## VIII.

The Property cannot be developed without the creation of the District to provide and finance the above-mentioned water, wastewater, and drainage facilities. Therefore, a public necessity exists for the creation of the District.

IX.

WHEREFORE, the undersigned Owner respectfully prays that this request for consent to the creation of the District be granted in all respects and that the City Council of the City of Wylie, Texas, adopt an ordinance giving its written consent to the creation of the District.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of October, 2008.

Lavon 593 Land Investment Partners, L.P.,  
a Texas limited partnership

By: Lavon 593 GP Partners, Ltd.,  
a Texas limited partnership

By: Hanover Services Group, Inc.,  
a Texas corporation,  
its general partner

By: Michael N. Maberry  
Michael N. Maberry  
President



**EXHIBIT A**

**LEGAL DESCRIPTION  
592.744 ACRES**

BEING A 592.744 ACRE TRACT OF LAND SITUATED IN THE LEROY FARMER SURVEY, ABSTRACT NO. 334, THE MARK MORRIS SURVEY, ABSTRACT NO. 561, THE ORPHA SHELBY SURVEY, ABSTRACT NO. 799, AND THE JOSIAH TURNHAM SURVEY, ABSTRACT NO. 919, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 592.9988 ACRE TRACT OF LAND, DESCRIBED IN TRUSTEES DEED TO W.W. CARUTH, JR. AS RECORDED IN VOLUME 2684, PAGE 944, LAND RECORDS, COLLIN COUNTY, TEXAS, AS AFFECTED BY LAST WILL AND TESTAMENT OF W.W. CARUTH, JR. AS RECORDED IN COUNTY CLERKS FILE NO. 92-0054539 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, SAID 592.744 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 3/4 INCH IRON ROD FOUND IN THE SOUTH LINE OF A 164.68 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CONSOLIDATED PARTNERSHIP, LTD. AS RECORDED IN VOLUME 3433, PAGE 874, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 164.68 ACRE TRACT, A DISTANCE OF 3004.80 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-26" FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO THE UNITED STATES OF AMERICA AS RECORDED IN VOLUME 736, PAGE 833, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINES OF SAID UNITED STATES OF AMERICA TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 756.97 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-25" FOUND FOR CORNER;

NORTH 65 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 833.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

SOUTH 00 DEGREES 26 MINUTES 51 SECONDS WEST, A DISTANCE OF 549.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-23" FOUND FOR CORNER;

SOUTH 69 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 1077.15 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-22" FOUND FOR CORNER;

SOUTH 50 DEGREES 39 MINUTES 17 SECONDS WEST, A DISTANCE OF 1405.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-21" FOUND FOR CORNER;

SOUTH 08 DEGREES 18 MINUTES 33 SECONDS EAST, A DISTANCE OF 73.65 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-20" FOUND FOR CORNER;

NORTH 88 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 2464.68 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-19" FOUND FOR CORNER;

SOUTH 28 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 2603.00 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-18" FOUND FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 573.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

NORTH 49 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 1752.84 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-16" FOUND FOR CORNER;

NORTH 61 DEGREES 25 MINUTES 18 SECONDS EAST, A DISTANCE OF 1093.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-15" FOUND FOR CORNER;

SOUTH 33 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 1419.53 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-14" FOUND FOR CORNER;

SOUTH 65 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 651.14 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-13" FOUND FOR CORNER;

SOUTH 43 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 470.76 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-12" FOUND FOR CORNER;

NORTH 76 DEGREES 43 MINUTES 10 SECONDS WEST, A DISTANCE OF 1056.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-11" FOUND FOR CORNER;

SOUTH 29 DEGREES 18 MINUTES 01 SECOND WEST, A DISTANCE OF 903.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-10" FOUND FOR CORNER;

NORTH 78 DEGREES 51 MINUTES 09 SECONDS EAST, A DISTANCE OF 757.78 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-9" FOUND FOR CORNER;

SOUTH 06 DEGREES 19 MINUTES 32 SECONDS WEST, A DISTANCE OF 907.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-8" FOUND FOR CORNER;

SOUTH 75 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 63.77 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-7" FOUND FOR CORNER;

NORTH 64 DEGREES 41 MINUTES 43 SECONDS EAST, A DISTANCE OF 806.05 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-6" FOUND FOR CORNER;

SOUTH 33 DEGREES 12 MINUTES 35 SECONDS EAST, A DISTANCE OF 297.17 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-5" FOUND FOR CORNER;

NORTH 83 DEGREES 36 MINUTES 01 SECOND EAST, A DISTANCE OF 255.23 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-4" FOUND FOR CORNER;

NORTH 41 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 367.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-3" FOUND FOR CORNER;

NORTH 76 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1317.38 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-2" FOUND FOR CORNER;

SOUTH 10 DEGREES 01 MINUTE 29 SECONDS WEST, A DISTANCE OF 600.79 FEET TO A 5 CORPS OF ENGINEERS MONUMENT STAMPED "4424-1" FOUND FOR CORNER;

SOUTH 65 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 1718.75 FEET TO A CORPS OF ENGINEERS MONUMENT FOUND AT THE MOST NORTHERLY NORTHEAST CORNER OF A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT B IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT B AND A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT A IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S

FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 649.87 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 17 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1309.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, A DISTANCE OF 299.40 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 285.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF ST. PAUL ROAD;

THENCE, SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ST. PAUL ROAD, A DISTANCE OF 1790.28 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 51 MINUTES 52 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 2514 (PARKER ROAD);

THENCE, SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514, A DISTANCE OF 1571.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET AT THE BEGINNING OF A CORNER-CLIP BETWEEN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514 AND THE EAST RIGHT-OF-WAY LINE OF AZTEC TRAIL;

THENCE, NORTH 44 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID CORNER-CLIP, A DISTANCE OF 41.22 FEET TO A WOODEN MONUMENT FOUND ON THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL;

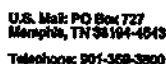
THENCE, NORTH 01 DEGREE 30 MINUTES 56 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL, A DISTANCE OF 1822.87 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORMAN R. MORROW AND WIFE, LUZIA M. MORROW AS RECORDED IN VOLUME 1531, PAGE 279, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 09 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF SAID 10.00 ACRE TRACT AND THE EAST LINE OF A 41.391 ACRE TRACT OF LAND DESCRIBED IN A DEED TO EDWARD H. HOBBS AS RECORDED IN VOLUME 4191, PAGE 715, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1886.05 FEET TO A 1" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 41.391 ACRE TRACT;

THENCE, SOUTH 89 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID 41.391 ACRE TRACT OF LAND, A DISTANCE OF 1111.20 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 01 DEGREE 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 4428.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 592.744 ACRES OF LAND, MORE OR LESS.





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Signed for by:	K.SPENCE	Delivery date:	Oct 10, 2008 10:17
Service type:	Priority Envelope		



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		Weight:	0.5 lbs.
Recipient:		Shipper:	
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Reference		License	

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available at [fedex.com](http://fedex.com). FedEx will not be responsible for any delays in transit of \$100 per package, whether the loss of time, damage, delay, non-delivery, misdelivery or misrouting occurs, unless you declare a higher value, pay an additional charge, document your select loss and file a timely damage claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including interest related to the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the declared declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

PETITION FOR WATER AND SANITARY SEWER SERVICES

THE STATE OF TEXAS       §  
                                      §  
 COUNTY OF COLLIN       §

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WYLIE,  
 TEXAS:

The undersigned, acting pursuant to the applicable provisions of Chapters 49 and 51 of the Texas Water Code, as amended, and Section 42.042, Texas Local Government Code, as amended, respectfully petitions the governing body of the City of Wylie, Texas (the "City") for water and sanitary sewer services to serve the land described below and located within the City's extraterritorial jurisdiction.

## I.

On October 10, 2008, the undersigned filed with the City a written request for consent to the creation of a water control and improvement district (the "Written Request for Consent", a copy of which is attached hereto and incorporated herein as Exhibit "A"), dated October 1, 2008, requesting the City's consent to the creation of Collin County Water Control and Improvement District No. 3 (the "District").

## II.

The proposed District will contain approximately 592.744 acres of land described by metes and bounds in Exhibit "B" attached hereto and incorporated herein (the "Land"). The proposed District lies partly within the extraterritorial jurisdiction of the City, partly within the extraterritorial jurisdiction of the City of Lucas, and partly within the extraterritorial jurisdiction of the Town of St. Paul, but not within the corporate limits of any city, town, or village.



III.

The City has failed or refused to give its consent for the creation of the District within 90 days after the Written Request for Consent was filed with the City.

IV.

The undersigned is the owner of 100% of the Land. There are no qualified voters residing within the Land.

V.

The undersigned hereby petitions the governing body of the City and requests that the City provide water and sanitary sewer services to the Land by entering into a mutually agreeable contract with the undersigned providing for the requested water and sanitary sewer services as provided under Sections 42.042(b) and (c), Texas Local Government Code, as amended.

Respectfully submitted this 30 day of January, 2009.

Lavon 593 Land Investment Partners, L.P.,  
a Texas limited partnership

By: Lavon 593 GP Partners, Ltd.,  
a Texas limited partnership,  
its general partner

By: Hanover Services Group, Inc.,  
a Texas corporation,  
its general partner

By: Michael N. Maberry  
Michael N. Maberry  
President

The total acreage owned  
is 592.774 acres

**Exhibit "A"**



October 1, 2008

Carol Ehrlich, TRMC  
City Secretary  
City of Wylie  
2000 S.H. 78 North  
Wylie, TX 75098

Re: Collin County Water Control and Improvement District No. 3  
Request for Consent to District Creation and Plan for Development

Dear Carol:

Pursuant to Section 42.042 of the Texas Local Government Code, enclosed please find our Request for Consent to the Creation of a water control and improvement district (the "District"). Included with the Request is a Plan for Development illustrating the manner in which we plan to use the property within the District.

The District shall contain an area of approximately 592.744 acres of land, more or less, lying partly within the extraterritorial jurisdiction ("ETJ") of the City of Wylie, partly within the ETJ of the City of Lucas, and partly within the ETJ of the Town of St. Paul, but not within the corporate limits of any city, town, or village. There is a necessity for the District because the property is located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, is urban in nature, and is not supplied with adequate water, sanitary sewer, or drainage facilities. The health and welfare of the future inhabitants of the District require the acquisition and installation of adequate waterworks, storm and sanitary sewer systems.

The purchase, construction, extension, improvement, maintenance, and operation of such waterworks, storm and sanitary sewer collection, and disposal systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community.

5850 Berkshire Lane, Suite 1200  
Dallas, Texas 75225  
Telephone 214/373-1882  
Fax 214/368-7985

[www.hanoverproperty.com](http://www.hanoverproperty.com)

A Texas Limited Liability Company

DALLAS-1125505 v1 1286224-00013

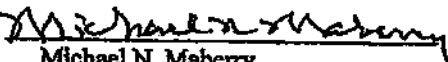
We appreciate your assistance in processing the Request and look forward to working with you throughout the development process. Should you have any questions, please do not hesitate to contact me.<sup>1</sup>

Sincerely,

Lavon 593 Land Investment Partners, L.P.  
a Texas limited partnership

By: Lavon 593 GP Partners, Ltd.  
a Texas limited partnership

By: Hanover Services Group, Inc.  
a Texas corporation  
its general partner

By:   
Michael N. Maberry  
President

Enclosures

<sup>1</sup> This letter and its enclosures collectively constitute a formal application for consent related to the provision of service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, and/or consent required by law that must be obtained to perform an action or initiate a project for which the consent is sought, as defined in Chapter 245 of the Texas Local Government Code, and should thus be regarded as an application for a "permit" within the meaning of that chapter. This letter and its enclosures also collectively constitute a completed application for the initial authorization to use land in the manner described in the enclosed Plan for Development for purposes of Sections 43.002(a) and 245.002(a)(2) of that Code.

**REQUEST FOR CONSENT TO THE CREATION  
OF A WATER CONTROL AND IMPROVEMENT DISTRICT**

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WYLIE,  
TEXAS:**

The undersigned owner ("Owner"), acting pursuant to subsections 42.042(a) and (b), Texas Local Government Code, as amended, respectfully submits this request to this Honorable City Council for consent to the creation of a water control and improvement district, and for cause Owner would respectfully show the following:

**I.**

The District shall be organized under the provisions of Article XVI, Section 59 and the applicable provisions of Chapters 49 and 51 of the Texas Water Code, as amended.

**II.**

The proposed name of the district is "Collin County Water Control and Improvement District No. 3" (the "District"). The District shall contain an area of approximately 592.744 acres of land, more or less, lying within Collin County, Texas, partly within the extraterritorial jurisdiction ("ETJ") of the City of Lucas, Texas, partly within the ETJ of the Town of Saint Paul, Texas, partly within the ETJ of the City of Wylie, Texas, and not within the corporate limits or ETJ of any other city, town, or village. The boundaries of the proposed District are described by metes and bounds on Exhibit A (the "Property").

**III.**

The undersigned Owner is the owner of a majority of the Property in the District as shown by the county tax rolls and conveyances of record since the date of preparation of the county tax rolls.

**IV.**

The purpose of the District shall be to provide for: (i) the control, storage, preservation and distribution of its water and floodwater and the water of its rivers and streams for irrigation, power, and all other useful purposes; (ii) the reclamation and irrigation of its arid, semiarid, and other land which needs irrigation; (iii) the reclamation, drainage, conservation, and development of its forests, water, and hydroelectric power; (iv) the navigation of its coastal and inland water; (v) the control, abatement, and change of any shortage or harmful excess of water; (vi) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and (vii) the preservation and conservation of all natural resources of the state.

## V.

The general nature of the work to be done by and within the District (collectively, the "Project") is the: (i) construction, maintenance, and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance, and operation of all improvements, facilities, plants, equipment and appliances incident to or helpful or necessary to the collection, transportation, processing, disposal, and control of all domestic, industrial or communal wastes; (iii) gathering, conducting, diverting and controlling local storm water or other local harmful excesses of water; and (iv) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized. The District may also finance one or more facilities designed or utilized to perform fire-fighting services and may purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities, and equipment for the purpose of providing parks and recreational facilities to the extent authorized and permitted under state law.

## VI.

There is a necessity for the District because the Property is located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, is urban in nature, and is not supplied with adequate water, sanitary sewer, or drainage facilities. The health and welfare of the future inhabitants of the District require the acquisition and installation of adequate waterworks, storm and sanitary sewer systems.

The purchase, construction, extension, improvement, maintenance, and operation of such waterworks, storm and sanitary sewer collection, and disposal systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community.

## VII.

The Project is feasible and practicable. There is an ample supply of water available, and the terrain of the area to be included in the proposed District is such that a waterworks, sanitary sewer, and storm sewer system can be constructed at a reasonable cost.

## VIII.

The Property cannot be developed without the creation of the District to provide and finance the above-mentioned water, wastewater, and drainage facilities. Therefore, a public necessity exists for the creation of the District.

IX.

WHEREFORE, the undersigned Owner respectfully prays that this request for consent to the creation of the District be granted in all respects and that the City Council of the City of Wylie, Texas, adopt an ordinance giving its written consent to the creation of the District.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of October, 2008.

Lavon 593 Land Investment Partners, L.P.,  
a Texas limited partnership

By: Lavon 593 GP Partners, Ltd.,  
a Texas limited partnership

By: Hanover Services Group, Inc.,  
a Texas corporation,  
its general partner

By: Michael N. Maberry  
Michael N. Maberry  
President

**EXHIBIT A**

**LEGAL DESCRIPTION  
592.744 ACRES**

BEING A 592.744 ACRE TRACT OF LAND SITUATED IN THE LEROY FARMER SURVEY, ABSTRACT NO. 334, THE MARK MORRIS SURVEY, ABSTRACT NO. 561, THE ORPHA SHELBY SURVEY, ABSTRACT NO. 799, AND THE JOSIAH TURNHAM SURVEY, ABSTRACT NO. 919, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 592.9988 ACRE TRACT OF LAND, DESCRIBED IN TRUSTEES DEED TO W.W. CARUTH, JR. AS RECORDED IN VOLUME 2684, PAGE 944, LAND RECORDS, COLLIN COUNTY, TEXAS, AS AFFECTED BY LAST WILL AND TESTAMENT OF W.W. CARUTH, JR. AS RECORDED IN COUNTY CLERKS FILE NO. 92-0054539 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, SAID 592.744 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD FOUND IN THE SOUTH LINE OF A 164.68 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CONSOLIDATED PARTNERSHIP, LTD. AS RECORDED IN VOLUME 3433, PAGE 874, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 164.68 ACRE TRACT, A DISTANCE OF 3004.80 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-26" FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO THE UNITED STATES OF AMERICA AS RECORDED IN VOLUME 736, PAGE 833, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINES OF SAID UNITED STATES OF AMERICA TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 756.97 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-25" FOUND FOR CORNER;

NORTH 65 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 833.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

SOUTH 00 DEGREES 26 MINUTES 51 SECONDS WEST, A DISTANCE OF 549.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-23" FOUND FOR CORNER;

SOUTH 69 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 1077.15 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-22" FOUND FOR CORNER;

Exhibit A - Page 1

DALLAS-1126346 v2 1286224-00013

SOUTH 50 DEGREES 39 MINUTES 17 SECONDS WEST, A DISTANCE OF 1405.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-21" FOUND FOR CORNER;

SOUTH 08 DEGREES 18 MINUTES 33 SECONDS EAST, A DISTANCE OF 73.65 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-20" FOUND FOR CORNER;

NORTH 88 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 2464.68 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-19" FOUND FOR CORNER;

SOUTH 28 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 2603.00 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-18" FOUND FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 573.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

NORTH 49 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 1752.84 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-16" FOUND FOR CORNER;

NORTH 61 DEGREES 25 MINUTES 18 SECONDS EAST, A DISTANCE OF 1093.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-15" FOUND FOR CORNER;

SOUTH 33 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 1419.53 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-14" FOUND FOR CORNER;

SOUTH 65 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 651.14 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-13" FOUND FOR CORNER;

SOUTH 43 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 470.76 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-12" FOUND FOR CORNER;

NORTH 76 DEGREES 43 MINUTES 10 SECONDS WEST, A DISTANCE OF 1056.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-11" FOUND FOR CORNER;

SOUTH 29 DEGREES 18 MINUTES 01 SECOND WEST, A DISTANCE OF 903.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-10" FOUND FOR CORNER;



NORTH 78 DEGREES 51 MINUTES 09 SECONDS EAST, A DISTANCE OF 757.78 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-9" FOUND FOR CORNER;

SOUTH 08 DEGREES 19 MINUTES 32 SECONDS WEST, A DISTANCE OF 907.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-8" FOUND FOR CORNER;

SOUTH 75 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 63.77 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-7" FOUND FOR CORNER;

NORTH 64 DEGREES 41 MINUTES 43 SECONDS EAST, A DISTANCE OF 806.05 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-6" FOUND FOR CORNER;

SOUTH 33 DEGREES 12 MINUTES 35 SECONDS EAST, A DISTANCE OF 297.17 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-5" FOUND FOR CORNER;

NORTH 83 DEGREES 36 MINUTES 01 SECOND EAST, A DISTANCE OF 255.23 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-4" FOUND FOR CORNER;

NORTH 41 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 367.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-3" FOUND FOR CORNER;

NORTH 76 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1317.38 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-2" FOUND FOR CORNER;

SOUTH 10 DEGREES 01 MINUTE 29 SECONDS WEST, A DISTANCE OF 600.79 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-1" FOUND FOR CORNER;

SOUTH 65 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 1718.75 FEET TO A CORPS OF ENGINEERS MONUMENT FOUND AT THE MOST NORTHERLY NORTHEAST CORNER OF A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT B IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT B AND A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT A IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S

Exhibit A -- Page 3

DALLAS-1125346 v2 1286224-00013

FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 649.87 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 17 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1309.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, A DISTANCE OF 299.40 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 285.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF ST. PAUL ROAD;

THENCE, SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ST. PAUL ROAD, A DISTANCE OF 1790.28 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 51 MINUTES 52 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 2514 (PARKER ROAD);

THENCE, SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514, A DISTANCE OF 1571.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET AT THE BEGINNING OF A CORNER-CLIP BETWEEN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514 AND THE EAST RIGHT-OF-WAY LINE OF AZTEC TRAIL;

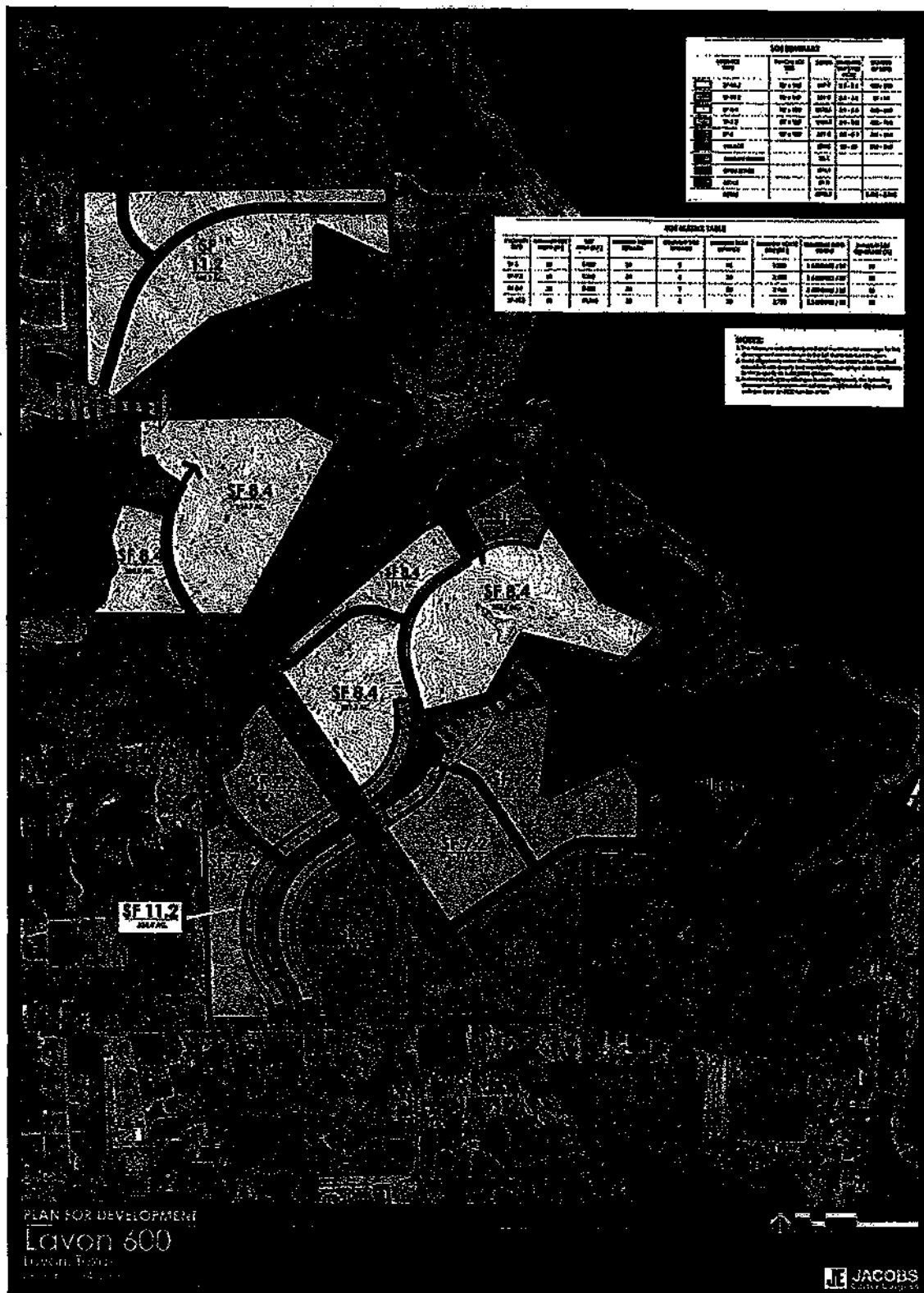
THENCE, NORTH 44 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID CORNER-CLIP, A DISTANCE OF 41.22 FEET TO A WOODEN MONUMENT FOUND ON THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL;

THENCE, NORTH 01 DEGREE 30 MINUTES 58 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL, A DISTANCE OF 1822.87 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORMAN R. MORROW AND WIFE, LUZIA M. MORROW AS RECORDED IN VOLUME 1531, PAGE 279, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 09 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF SAID 10.00 ACRE TRACT AND THE EAST LINE OF A 41.391 ACRE TRACT OF LAND DESCRIBED IN A DEED TO EDWARD H. HOBBS AS RECORDED IN VOLUME 4191, PAGE 715, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1886.05 FEET TO A 1" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 41.391 ACRE TRACT;

THENCE, SOUTH 89 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID 41.391 ACRE TRACT OF LAND, A DISTANCE OF 1111.20 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 01 DEGREE 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 4428.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 592.744 ACRES OF LAND, MORE OR LESS.



SOW SCHEDULE				
Activity	Start Date	End Date	Duration (Days)	Notes
Site Preparation	10/1/00	10/15/00	15	
Excavation	10/15/00	10/30/00	15	
Foundation	10/30/00	11/10/00	12	
Roofing	11/10/00	11/25/00	15	
Interior Finishes	11/25/00	12/10/00	15	
Exterior Finishes	12/10/00	12/25/00	15	
Final Inspection	12/25/00	1/5/01	10	
Project Completion	1/5/01	1/15/01	10	

SOW SUMMARY TABLE							
Activity	Start Date	End Date	Duration (Days)	Notes	Activity	Start Date	End Date
Site Preparation	10/1/00	10/15/00	15		Excavation	10/15/00	10/30/00
Foundation	10/30/00	11/10/00	12		Roofing	11/10/00	11/25/00
Interior Finishes	11/25/00	12/10/00	15		Exterior Finishes	12/10/00	12/25/00
Final Inspection	12/25/00	1/5/01	10		Project Completion	1/5/01	1/15/01

**NOTES:**  
 1. The project is subject to the following conditions:  
 a. The project is subject to the following conditions:  
 b. The project is subject to the following conditions:  
 c. The project is subject to the following conditions:  
 d. The project is subject to the following conditions:  
 e. The project is subject to the following conditions:  
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 g. The project is subject to the following conditions:  
 h. The project is subject to the following conditions:  
 i. The project is subject to the following conditions:  
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 k. The project is subject to the following conditions:  
 l. The project is subject to the following conditions:  
 m. The project is subject to the following conditions:  
 n. The project is subject to the following conditions:  
 o. The project is subject to the following conditions:  
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 r. The project is subject to the following conditions:  
 s. The project is subject to the following conditions:  
 t. The project is subject to the following conditions:  
 u. The project is subject to the following conditions:  
 v. The project is subject to the following conditions:  
 w. The project is subject to the following conditions:  
 x. The project is subject to the following conditions:  
 y. The project is subject to the following conditions:  
 z. The project is subject to the following conditions:

**Exhibit "B"**

**METES AND BOUNDS DESCRIPTION OF THE "LAND"**

**LEGAL DESCRIPTION  
592.744 ACRES**

BEING A 592.744 ACRE TRACT OF LAND SITUATED IN THE LEROY FARMER SURVEY, ABSTRACT NO. 334, THE MARK MORRIS SURVEY, ABSTRACT NO. 561, THE ORPHA SHELBY SURVEY, ABSTRACT NO. 799, AND THE JOSIAH TURNHAM SURVEY, ABSTRACT NO. 919, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 592.9988 ACRE TRACT OF LAND, DESCRIBED IN TRUSTEES DEED TO W.W. CARUTH, JR. AS RECORDED IN VOLUME 2684, PAGE 944, LAND RECORDS, COLLIN COUNTY, TEXAS, AS AFFECTED BY LAST WILL AND TESTAMENT OF W.W. CARUTH, JR. AS RECORDED IN COUNTY CLERKS FILE NO. 92-0054539 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, SAID 592.744 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 3/4 INCH IRON ROD FOUND IN THE SOUTH LINE OF A 164.68 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CONSOLIDATED PARTNERSHIP, LTD. AS RECORDED IN VOLUME 3433, PAGE 874, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 164.68 ACRE TRACT, A DISTANCE OF 3004.80 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-26" FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO THE UNITED STATES OF AMERICA AS RECORDED IN VOLUME 736, PAGE 833, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINES OF SAID UNITED STATES OF AMERICA TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 756.97 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-25" FOUND FOR CORNER;

NORTH 65 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 833.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

SOUTH 00 DEGREES 26 MINUTES 51 SECONDS WEST, A DISTANCE OF 549.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-23" FOUND FOR CORNER;

SOUTH 69 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 1077.15 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-22" FOUND FOR CORNER;

SOUTH 50 DEGREES 39 MINUTES 17 SECONDS WEST, A DISTANCE OF 1405.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-21" FOUND FOR CORNER;

SOUTH 08 DEGREES 18 MINUTES 33 SECONDS EAST, A DISTANCE OF 73.65 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-20" FOUND FOR CORNER;

NORTH 88 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 2464.68 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-19" FOUND FOR CORNER;

SOUTH 28 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 2603.00 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-18" FOUND FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 573.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

NORTH 49 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 1752.84 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-16" FOUND FOR CORNER;

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SOUTH 33 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 1419.53 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-14" FOUND FOR CORNER;

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SOUTH 43 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 470.76 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-12" FOUND FOR CORNER;

NORTH 76 DEGREES 43 MINUTES 10 SECONDS WEST, A DISTANCE OF 1056.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-11" FOUND FOR CORNER;

SOUTH 29 DEGREES 18 MINUTES 01 SECOND WEST, A DISTANCE OF 903.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-10" FOUND FOR CORNER;

NORTH 78 DEGREES 51 MINUTES 09 SECONDS EAST, A DISTANCE OF 757.78 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-9" FOUND FOR CORNER;

SOUTH 06 DEGREES 19 MINUTES 32 SECONDS WEST, A DISTANCE OF 907.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-8" FOUND FOR CORNER;

SOUTH 75 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 63.77 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-7" FOUND FOR CORNER;

NORTH 64 DEGREES 41 MINUTES 43 SECONDS EAST, A DISTANCE OF 806.05 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-6" FOUND FOR CORNER;

SOUTH 33 DEGREES 12 MINUTES 35 SECONDS EAST, A DISTANCE OF 297.17 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-5" FOUND FOR CORNER;

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NORTH 41 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 367.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-3" FOUND FOR CORNER;

NORTH 76 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1317.38 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-2" FOUND FOR CORNER;

SOUTH 10 DEGREES 01 MINUTE 29 SECONDS WEST, A DISTANCE OF 600.79 FEET TO A 5 CORPS OF ENGINEERS MONUMENT STAMPED "4424-1" FOUND FOR CORNER;

SOUTH 65 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 1718.75 FEET TO A CORPS OF ENGINEERS MONUMENT FOUND AT THE

MOST NORTHERLY NORTHEAST CORNER OF A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT B IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT B AND A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT A IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 649.87 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 17 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1309.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, A DISTANCE OF 299.40 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 285.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF ST. PAUL ROAD;

THENCE, SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ST. PAUL ROAD, A DISTANCE OF 1790.28 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 51 MINUTES 52 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 2514 (PARKER ROAD);

THENCE, SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514, A DISTANCE OF 1571.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET AT THE BEGINNING OF A CORNER-CLIP BETWEEN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514 AND THE EAST RIGHT-OF-WAY LINE OF AZTEC TRAIL;

THENCE, NORTH 44 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID CORNER-CLIP, A DISTANCE OF 41.22 FEET TO A WOODEN MONUMENT FOUND ON THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL;



THENCE, NORTH 01 DEGREE 30 MINUTES 56 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL, A DISTANCE OF 1822.87 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORMAN R. MORROW AND WIFE, LUZIA M. MORROW AS RECORDED IN VOLUME 1531, PAGE 279, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 09 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF SAID 10.00 ACRE TRACT AND THE EAST LINE OF A 41.391 ACRE TRACT OF LAND DESCRIBED IN A DEED TO EDWARD H. HOBBS AS RECORDED IN VOLUME 4191, PAGE 715, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1886.05 FEET TO A 1" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 41.391 ACRE TRACT;

THENCE, SOUTH 89 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID 41.391 ACRE TRACT OF LAND, A DISTANCE OF 1111.20 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 01 DEGREE 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 4428.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 592.744 ACRES OF LAND, MORE OR LESS.

## Sandi Pustejovsky

---

From: TrackingUpdates@fedex.com  
Sent: Tuesday, February 03, 2009 10:36 AM  
To: Sandi Pustejovsky  
Subject: FedEx Shipment 796306775065 Delivered

---

This tracking update has been requested by:

Company Name: Hanover Property Company  
Name: Sandi Pustejovsky  
E-mail: [sandip@hanoverproperty.com](mailto:sandip@hanoverproperty.com)

---

Our records indicate that the following shipment has been delivered:

Reference: Lavon  
Ship (P/U) date: Feb 2, 2009  
Delivery date: Feb 3, 2009 10:30 AM  
Sign for by: K.SPENCE  
Delivered to: Receptionist/Front Desk  
Service type: FedEx Priority Overnight  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 0.50 lb.  
Special handling/Services: Deliver Weekday  
Tracking number: [796306775065](#)

Shipper Information	Recipient Information
Sandi Pustejovsky	Carol Ehrlich, TRMC-City Secretary
Hanover Property Company	City of Wylie
5950 Berkshire Lane; Suite 1200	2000 S.H. 78 North
Dallas	Wylie
TX	TX
US	US
75225	75098

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 10:35 AM CST on 02/03/2009.

[Learn more](#) about new ways to track with FedEx.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](http://fedex.com)'s terms of use, go to [fedex.com](http://fedex.com).

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## Detailed Results

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Detailed Results

[Notifications](#)

Tracking no.: 796306775065

[@ E-mail notifications](#)

## Delivered

[Initiated](#)
[Picked up](#)
[In transit](#)
[Delivered](#)

Delivered  
Signed for by: K.SPENCE

## Shipment Dates

## Destination

Ship date  Feb 2, 2009Delivery date  Feb 3, 2009 10:30 AM
 WYLLIE, TX  
[View Map](#)

## Shipment Facts

[Help](#)

Service type	Priority Envelope	Delivered to	Receptionist/Front Desk
Weight	0.5 lbs/0.2 kg	Reference	Levin

## Shipment Travel History

[Help](#)
Select time zone:  Select

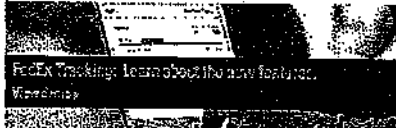
Select time format: 12H | 24H

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Feb 3, 2009 10:30 AM	Delivered	WYLLIE, TX	
Feb 3, 2009 8:18 AM	On FedEx vehicle for delivery	PLANO, TX	
Feb 3, 2009 7:19 AM	At local FedEx facility	PLANO, TX	
Feb 3, 2009 4:58 AM	Departed FedEx location	FORT WORTH, TX	
Feb 2, 2009 11:52 PM	Arrived at FedEx location	FORT WORTH, TX	
Feb 2, 2009 9:36 PM	Left FedEx origin facility	DALLAS, TX	
Feb 2, 2009 7:53 PM	Picked up	DALLAS, TX	
Feb 2, 2009 3:50 PM	Shipment information sent to FedEx		

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Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

February 3, 2009

Dear Customer:

The following is the proof-of-delivery for tracking number **796306775065**.

---

**Delivery Information:**

Status:	Delivered	Delivery location:	Wylie, TX
Signed for by:	K.SPENCE	Delivery date:	Feb 3, 2009 10:30
Service type:	Priority Envelope		

---

**Shipping Information:**

Tracking number:	796306775065	Ship date:	Feb 2, 2009
		Weight:	0.5 lbs.

Recipient:	Shipper:
Wylie, TX US	Dallas, TX US

Reference	Lavon
-----------	-------

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**DANIEL & BROWN INC.**  
ENGINEERS/CONSULTANTS/PLANNERS

March 11, 2009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Tuyet Truong  
Texas Commission on Environmental Quality  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

Re: Application from Wylie Northeast Special Utility District (SUD), Certificate of Convenience and Necessity (CCN) No. 10192, to Decertify a Portion of CCN No 11256 from Seis Lagos Utility District and to Amend CCN No. 10192, in Collin County; Application No. 36296-C

Application from Wylie Northeast SUD to Decertify a Portion of CCN No. 20502 from Seis Lagos Utility District and to Obtain a Sewer CCN, in Collin County; Application No. 36297-C

CN: 602681488; RN: 101248326 (water) and 105674378 (sewer) (Wylie Northeast SUD)  
CN: 600630636; RN: 102685732 (water) and 101453827 (sewer) (Seis Lagos Utility District)

Dear Ms. Truong;

We are in receipt of Ms. Tammy Benter's letter dated February 13, 2009 regarding the above mentioned application. Please find enclosed the following responses in regards to the requested information:

1. An original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached.
2. Four copies of each individual notice and map sent to neighboring utilities and affected parties
3. One copy of the landowner notice and map sent to each landowner
4. An original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals and each landowner has been given.

If you should require additional information for the application, please contact me at 972-784-7777.

Sincerely,

Charles Massey

cc: Sue Jones, Wylie Northeast SUD (w/encl)



Texas Commission on Environmental Quality

APPLICATION NO. 36296-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF COLLIN

Wylie Northeast Special Utility District has provided individual notice to the following entities:

	DATE
City of Wylie	February 26, 2009
City of Saint Paul	February 26, 2009
City of Lucas	February 26, 2009
City of Plano	February 26, 2009
City of Allen	February 26, 2009
City of Lavon	February 26, 2009
City of Nevada	February 26, 2009
City of Rockwall	February 26, 2009
City of Murphy	February 26, 2009
City of Richardson	February 26, 2009
City of Dallas	February 26, 2009
City of Garland	February 26, 2009
City of McKinney	February 26, 2009
City of Fairview	February 26, 2009
City of Parker	February 26, 2009
Milligan WSC	February 26, 2009
Caddo Basin SUD	February 26, 2009
Copeville SUD	February 26, 2009
Mount Zion WSC	February 26, 2009
City of Sachse	February 26, 2009
Nevada WSC	February 26, 2009
Lavon WSC	February 26, 2009
East Fork SUD	February 26, 2009
Culleoka WSC	February 26, 2009
Scis Lagos Utility District	February 26, 2009
City of Rowlett	February 26, 2009
City of Princeton	February 26, 2009
TBEC	February 26, 2009

OATH

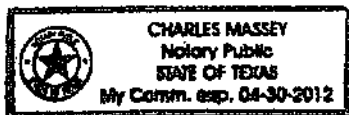
I, Eddy Daniel, P.E., being duly sworn, file this form as Engineer/Consultant (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Eddy Daniel, P.E.  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

(over)

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 2009, to certify  
which witness my hand and seal of office.



Charles Massey  
Notary Public in and for the  
State of Texas

Charles Massey  
Print or Type Name of Notary Public  
Commission Expires 04-30-2012

*Notice to Neighboring Systems, Landowners and Cities*

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE WATER AND SEWER UTILITY SERVICE IN COLLIN COUNTY**

To: \_\_\_\_\_ Date Notice Mailed: February 26, 2009  
(Neighboring System, Landowner or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Wylie Northeast Special Utility District has filed an application for a sewer CCN, to amend CCN No. 10192 and to decertify portions of Seis Lagos Utility District with the Texas Commission on Environmental Quality to provide water and sewer utility service in Collin County.

The proposed utility service area is located approximately 2.64 miles north of downtown Wylie, Texas, and is generally bounded on the north by Brockdale Park Road; on the east by Lake Lavon; on the south by Farm-to-Market Road 2514; and on the west by Farm-to-Market Road 1378. The total area being requested includes approximately 315 acres for water and 600 acres for sewer and 0 current customers. See enclosed map of the proposed service area.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out")



by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea información en Español, puede llamar al 1-512-239-0200.

CURRENT CERTIFICATED CCN AREA  
 PROPOSED WATER CCN AMENDMENT AREA  
 PROPOSED WATER DECERTIFICATED CCN AREA

WYLIE NE SPECIAL UTILITY DISTRICT CCN #10182  
 P.O. BOX 1029  
 WYLIE, TX 75098  
 (872) 584-2500

PROPOSED DECERTIFICATED  
 WATER CCN AREA  
 APPROX. 56 ACRES

PROPOSED WATER CCN  
 AMENDMENT AREA  
 APPROX. 314 ACRES

CURRENT CERTIFICATED CCN AREA

LAVON LAKE  
 NORMAL POOL ELEV. 404'

SCALE: 1" = 2000'

**DBI** DANIEL & BROWN, INC.  
 ENGINEERS/CERTIFIED PLANNERS  
 100 Westinghouse  
 Dallas, TX 75243  
 Phone: 972-764-7777  
 Fax: 972-762-7720  
 E-mail: daniel@dbi-engineers.com

DATE	11/14/08
BY	DBI
FOR	WYLIE NE S.U.D.
PROJECT	WATER CCN AMENDMENT
LOCATION	WYLIE, TEXAS
SCALE	1" = 2000'

PROPOSED WATER CCN AMENDMENT  
 FOR  
 WYLIE NE SPECIAL UTILITY DISTRICT  
 COLLIN COUNTY, TEXAS

WATER CCN EXHIBIT

